

December 31, 2018

Re: UMB Bank, N.A., as Trustee v. Sanofi, Case No. 1:15-cv-08725-GBD

Dear Judge Lehrburger:

We write jointly on behalf of Plaintiff UMB Bank, N.A., as Trustee (“the Trustee”) and Defendant Sanofi, pursuant to the Sixth Amended Discovery Plan and Scheduling Order (ECF No. 224) requiring the parties to submit a status report to Your Honor every 60 days.

I. Pending Motions

There are no pending motions.

II. Fact Discovery

A. Document Production

The Trustee has completed its production of documents responsive to Sanofi’s requests.

Sanofi has completed its production of documents responsive to the Trustee’s requests.

The parties reserve their rights to challenge the completeness of each other’s document production.

B. Depositions

Fact depositions have been completed.

The parties continue to confer concerning Sanofi’s designation of prior deposition testimony as Rule 30(b)(6) testimony, as well as with respect to a single deposition errata.

C. Subpoenas

The Trustee has issued subpoenas for documents of third parties who provided services to Sanofi. Production of documents responsive to these third-party subpoenas is largely complete. The Trustee will continue to meet and confer with the subpoenaed parties regarding the adequacy of these productions.

Sanofi has issued subpoenas for documents of third-party CVR holders Stonehill Master Fund Limited and Stonehill Institutional Partners, L.P. (collectively, “Stonehill”). Stonehill’s production is not yet complete. Sanofi continues to confer with Stonehill regarding the adequacy of Stonehill’s production. Sanofi reserves the right to serve a deposition subpoena on Stonehill.

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It is the Trustee's position that, pursuant to the Fifth and Sixth Amended Discovery Plans and Scheduling Orders, the time to complete fact discovery has expired, and the Trustee reserves the right to oppose any subpoenas that Sanofi may serve seeking additional depositions and fact discovery.

D. Interrogatories and Requests for Admission

Pursuant to Paragraph II.a.1. of the Fifth Amended Discovery Plan and Scheduling Order, on October 30, 2018 the parties served Interrogatories and Requests for Admission on each other. The parties will engage in meet and confers regarding their respective responses and objections served on December 20, 2018.

III. Expert Discovery

Expert discovery will proceed as outlined in Paragraph II.a of the Sixth Amended Discovery Plan and Scheduling Order.

IV. Next Joint Status Letter

The parties will submit their next joint status letter on Friday, March 1, 2019.

Respectfully submitted,

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